

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
DAYTON DIVISION**

**MARY JOAN BOEHNE**

Individually and as Personal Representative of the  
Estate of Baby Boy Boehne, deceased and the  
Estate of Jeremy David Ralph Boehne, deceased,

and

**DAVID L. HAHN**

Individually and as Personal Representative of the  
Estate of Karen M. Boehne, deceased and the  
Estate of Lauren M. Hahn, deceased,

and

**AMY M. ROSS**

Individually and as Personal Representative of the  
Estate of Kimberly A. Siegrist, deceased,

Plaintiffs,

v.

**C.H. ROBINSON WORLDWIDE, INC.,  
WALMART, INC., UNIQUE FREIGHT  
CARRIERS, INC., PAPI BRICHE, LLC, BLF  
TRUCK TRANSPORTATION, LLC, and  
DAYREN ROCUBERT,**

Defendants.

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**AMERICAN ECONOMY INSURANCE  
COMPANY;**

Petitioner,

v.

**MARY JOAN BOEHNE**, Individually and as  
Personal Representative of the Estate of Baby Boy  
Boehne, deceased and the Estate of Jeremy David  
Ralph Boehne, deceased; **DAVID L. HAHN**,  
Individually and as Personal Representative of the  
Estate of Karen M. Boehne, deceased and the  
Estate of Lauren M Hahn, deceased; **AMY M.  
ROSS**, Individually and as Personal Representative  
of the Estate of Kimberly A. Siegrist, deceased;  
**C.H. ROBINSON WORLDWIDE, INC.;**

Case No.: 3:23-cv-00158-MJN-CHG

Judge Michael J. Newman  
Magistrate Judge Caroline H. Gentry

**COMPLAINT**

**UNIQUE FREIGHT CARRIERS, INC.; PAPI  
BRICHE; LLC, BLF TRUCK  
TRANSPORTATION, LLC; and DAYREN  
ROCUBERT,**

Respondents.

### **COMPLAINT**

Petitioner, American Economy Insurance Company (“American Economy”), by and through its attorneys, for its Complaint, state as follows:

### **INTRODUCTION**

1. Pursuant to the terms of the American Economy Policy and applicable law, American Economy is entitled to recover from other parties and any applicable insurers the \$300,000 in uninsured motorist benefits American Economy paid to the Estates of Jeremy David Ralph Boehne, Karen M. Boehne, and Baby Boy Boehne pursuant to the terms of the American Economy Policy and applicable law.

2. American Economy issued to Jeremy David Ralph Boehne auto liability policy no. X6311697, effective from April 8, 2022, to April 8, 2023 (“the American Economy Policy”). (Attached as Exhibit 1.)

3. The American Economy Policy lists a 2020 Ford F-150 as a covered auto and identifies Jeremy D. Boehne and Karen Boehne as rated drivers.

4. The American Economy Policy includes uninsured/underinsured motorist (“UM/UIM”) coverage with limits of \$100,000 each person and \$300,000 each accident.

5. On December 24, 2022, a fatal three-vehicle auto collision occurred on I-75 in Franklin Township, Shelby County, Ohio in which a tractor-trailer crossed the median and struck Jeremy David Ralph Boehne’s Ford F-150 and a 2023 GMC Terrain. (See ECF 1, ¶¶ 16 – 19).

6. At the time of the collision, Jeremy was driving his Ford F-150, and Karen and Baby Boy Boehne were passengers. (ECF 1, ¶ 23).

7. Jeremy, Karen, Baby Boy Boehne, and both passengers of the GMC Terrain died because of the collision. (See ECF 1, ¶¶ 22-24).

8. Dayren Rocubert, the driver of the tractor-trailer, is allegedly at fault for the collision. (See ECF 48-2, Criminal Charges against Rocubert).

9. Following the collision, representatives of the Estates of Jeremy David Ralph Boehne, Karen M. Boehne, and Baby Boy Boehne filed a claim with American Economy to recover the American Economy Policy's UM/UIM limits.

10. American Economy investigated the claim, including whether there were any other sources of auto liability insurance available to compensate the Estates of Jeremy David Ralph Boehne, Karen M. Boehne, and Baby Boy Boehne.

11. American Economy was unable to identify another source of auto liability insurance available to compensate the Estates of Jeremy David Ralph Boehne, Karen M. Boehne, and Baby Boy Boehne.

12. Accordingly, for the benefit of its policyholder, American Economy paid the American Economy Policy's UM/UIM limits to the Estates of Jeremy David Ralph Boehne, Karen M. Boehne, and Baby Boy Boehne, in amounts of \$100,000 each for a total of \$300,000.

13. The American Economy policy provides:

**OUR RIGHT TO RECOVER PAYMENT**

A. If we make a payment under this policy and the person to or for whom payment as made has a right to recover damages from another person, entity or organization we shall be subrogated to that right. That person shall:

1. Do whatever is necessary to enable us to exercise our rights; and

2. Do nothing after loss to prejudice them.

We shall not use that right if the person against whom it may be asserted is an insured under Part A of this policy.

\* \* \*

- B. If we make a payment under this policy and the person to or for whom payment is made recovers damages from another, that person shall:

1. Hold in trust for us the proceeds of the recovery; and
2. Reimburse us to the extent of our payment.

With respect to Uninsured Motorists Coverage, we shall be entitled to recovery under paragraph B. only after the person has been fully compensated for damages by another party.

\* \* \*

14. American Economy issued payment of the American Economy Policy's UM/UIM limits pursuant to the terms of a RELEASE OF UNINSURED MOTORIST BENEFITS CLAIM (the "Release") signed by the Personal Representatives of the Estates of Jeremy David Ralph Boehne, Karen M. Boehne, and Baby Boy Boehne. (See Release, attached as Exhibit 2).

15. The Release provides:

In further consideration for the payment made herein to the Plaintiff, the Plaintiff agrees to save harmless and indemnify [American Economy] for any and all claims, including but not limited to, subrogation claims made by anyone against [American Economy], for reimbursement of monies paid and/or services rendered to or on behalf of the [Insured Estate] arising out of the incident referred to hereinabove, which [American Economy] may be compelled to pay as a result of the aforementioned incident.

FURTHER, IT IS UNDERSTOOD AND AGREED that execution of this Release does not waive, or in any way hinder [American Economy]'s right(s) to seek subrogation from any third-party.

(Exhibit 2, pp.1-2; 3-4)

16. The Personal Representatives of the Estates of Jeremy David Ralph Boehne, Karen M. Boehne, and Baby Boy Boehne (collectively, “Plaintiffs”) initiated this lawsuit, alleging that they are entitled to recover damages from C.H. Robinson Worldwide, Inc.; Walmart, Inc.; Unique Freight Carriers, Inc.; Papi Briche, LLC; BLF Truck Transportation, LLC; and Dayren Rocubert (“collectively, “Defendants”).

### **PARTIES**

17. American Economy Insurance Company is a company organized under the laws of the State of Indiana with its principal place of business in Boston, Massachusetts.

18. Respondent Mary Joan Boehne, mother of Jeremy David Ralph Boehne, is a citizen of the State of Michigan. She is the Personal Representative of the Estates of Jeremy David Ralph Boehne and Baby Boy Boehne. (ECF 1, ¶ 1).

19. Respondent David L. Hahn, father of Karen M. Boehne and Lauren M. Hahn, is a citizen of the State of Michigan. He is the Personal Representative of the Estate of Karen M. Boehne and Lauren M. Hahn. (ECF 1, ¶ 2).

20. Respondent Amy M. Ross, daughter of Kimberly Siegrist, is a citizen of the State of Ohio. She is the Personal Representative of the Estate of Kimberly A. Siegrist.

21. Jeremy David Ralph Boehne and Karen M. Boehne were citizens of the State of Michigan at the time of their deaths. Also, at the time of her death, Karen M. Boehne was pregnant with Baby Boy Boehne. (ECF 1, ¶¶ 4-5).

22. Lauren M. Hahn and Kimberly A. Siegrist were citizens of the State of Michigan at the time of their deaths.

23. Defendant C.H. Robinson Worldwide, Inc. (“C.H. Robinson”) is a Delaware corporation with its principal place of business located in Eden Prairie, Minnesota. C.H. Robinson

conducts continuous and systematic trucking operations in the State of Ohio. C.H. Robinson has designated Truck Process Agents of America, Inc., located at 46 Shopping Plaza, #1111, Chagrin Falls, OH 44022 as its agent for service of process.

24. Respondent Unique Freight Carriers, Inc. (“Unique”) is a for-hire motor carrier operating commercial motor vehicles transporting property in interstate commerce. It is registered with the Federal Motor Carrier Safety Administration with a USDOT number of 2562511 and is a business entity organized and existing under the laws of the State of Illinois with its principal place of business in Palos Hills, Illinois. Respondent Unique has designated Bettina Jackson, located at 1873 S. Belmont Ave., Springfield, OH 45505 as its agent for the purposes of service of process of this complaint under 49 C.F.R. §366. Unique regularly engages in business in Ohio.

25. Respondent Papi Briche, LLC (“Papi Briche”) is a business entity formed under the laws of the State of Florida with its principal place of business located in Hialeah, Florida. Papi Briche conducts continuous and systematic trucking operations in the State of Ohio. Papi Briche has designated Abimael Fuente, located at 1280 W. 54th St., Apt. 229, Hialeah, FL 33012 as its agent for service of process. Upon information and belief, no members of Papi Briche are citizens of Indiana.

26. BLF Truck Transportation, LLC (“BLF”) is a for-hire motor carrier operating commercial motor vehicles transporting property in interstate commerce. It is registered with the Federal Motor Carrier Safety Administration with a USDOT number of 3925496 and is a business entity organized and existing under the laws of the State of Florida with its principal place of business in Hialeah, Florida. Respondent BLF has designated Eric Beery, located at 5025 Arlington Centre Blvd., Suite 550, Columbus, OH 43220, as its agent for the purposes of service of process of this complaint under 49 C.F.R. §366. BLF regularly engages in business in Ohio.

27. Respondent Dayren Rocubert resides at 350 W. 31 Street, Hialeah, FL 33012. Mr. Rocubert is a domiciliary of the State of Florida.

28. At the time of filing of this Complaint, default judgment has been entered against Dayren Rocubert, BLF, and Papi Briche. (ECF 25; ECF 28).

### **JURISDICTION AND VENUE**

29. This Court has subject matter jurisdiction over this case under 28 U.S.C. § 1332 because the parties are of diverse citizenship and the amount in controversy exceeds \$75,000 exclusive of interest and costs.

30. Venue is properly conferred under 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to the claims (that is, the collision) occurred in Franklin Township, Shelby County, Ohio, which is in this judicial district. This Court has subject matter and personal jurisdiction over the Respondents.

### **COUNT I – INDEMNIFICATION AND RECOVERY** **AGAINST MARY JOAN BOEHNE, as Personal Representative of the Estate of Baby Boy Boehne, and the Estate of Jeremy David Ralph Boehne; AND DAVID L. HAHN, as** **Personal Representative of the Estate of Karen M. Boehne**

31. American Economy realleges and incorporates Paragraphs 1 through 30 above, as though fully set forth herein.

32. American Economy alleges and incorporates Paragraphs 1 through 102 of Plaintiffs' Complaint, ECF 1, as though fully set forth herein.

33. American Economy issued the American Economy Policy to Jeremy David Ralph Boehne, effective April 8, 2022 to April 8, 2023.

34. On December 24, 2022, Jeremy David Ralph Boehne, Karen M. Boehne, and Baby Boy Boehne died as a result of a three-vehicle collision with an uninsured driver, Dayren Rocubert.

35. Pursuant to the terms of the American Economy Policy's UM/UIM coverage and based on the claim presented, American Economy paid its policy limits of \$100,000 each person to the Estates of Jeremy David Ralph Boehne, Karen M. Boehne, and Baby Boy Boehne for a total of \$300,000.

36. Mary Joan Boehne and David L. Hahn filed a lawsuit against persons and entities alleged to be liable for the deaths of Jeremy David Ralph Boehne, Karen M. Boehne, Baby Boy Boehne and others. (ECF 1).

37. Plaintiffs allege that the collision occurred when Dayren Rocubert lost control of his tractor-trailer and crossed the median. (ECF 1, ¶¶ 25-28).

38. At the time of the collision, Defendant Dayren Rocubert had a duty to drive his tractor-trailer in a safe and reasonable manner, to obey all traffic laws, to not drive while distracted, to not drive while texting, to not drive while ill, to not drive while unalert, to not drive while fatigued, and to not drive under the influence of illegal controlled substances. (ECF 1, ¶ 25).

39. On December 24, 2022, Defendant Dayren Rocubert failed in the above-mentioned duties and is therefore negligent. (ECF 1, ¶ 26).

40. Defendant Dayren Rocubert's negligence was the direct and proximate cause of the injuries and death of Jeremy David Ralph Boehne, Karen M. Boehne, and Baby Boy Boehne. (ECF 1, ¶ 27).

41. Plaintiffs further allege that Defendants C.H. Robinson, Walmart, Unique Freight, Papi Briche, and BLF are independently and/or vicariously liable for the injuries and death of Jeremy David Ralph Boehne, Karen M. Boehne, and Baby Boy Boehne. (ECF 1, ¶¶ 29-102).



42. American Economy is entitled to indemnity and recovery of the UM/UIM benefits American Economy paid to the Estates of Jeremy David Ralph Boehne, Karen M. Boehne, and Baby Boy Boehne.

WHEREFORE, to the extent that MARY JOAN BOEHNE and/or DAVID L. HAHN prevail against the Defendants in this action, AMERICAN ECONOMY INSURANCE COMPANY requests that this Court require MARY JOAN BOEHNE and DAVID L. HAHN to honor the indemnity provision and enforce its terms requiring reimbursement of the \$300,000 in UM/UIM benefits paid to the Estates of Jeremy David Ralph Boehne, Karen M. Boehne, and Baby Boy Boehne; and afford any other relief the Court deems just and proper.

**COUNT II – SUBROGATION**  
**AGAINST C.H. ROBINSON WORLDWIDE, INC.; UNIQUE FREIGHT CARRIERS,**  
**INC.; PAPI BRICHE, LLC; BLF TRUCK TRANSPORTATION, LLC; and DAYREN**  
**ROCUBERT**

43. American Economy realleges and incorporates Paragraphs 1 through 42 above, as though fully set forth herein.

44. American Economy alleges and incorporates Paragraphs 1 through 102 of Plaintiffs' Complaint, ECF 1, as though fully set forth herein.

45. American Economy issued the American Economy Policy to Jeremy David Ralph Boehne, effective April 8, 2022 to April 8, 2023.

46. On December 24, 2022, Jeremy David Ralph Boehne, Karen M. Boehne, and Baby Boy Boehne died because of a three-vehicle collision with an uninsured driver, Defendant Dayren Rocubert.

47. Plaintiffs allege that the collision occurred when Defendant Dayren Rocubert lost control of his tractor-trailer and crossed the median.

48. At the time of the collision, Defendant Dayren Rocubert had a duty to drive his tractor-trailer in a safe and reasonable manner, to obey all traffic laws, to not drive while distracted, to not drive while texting, to not drive while ill, to not drive while unalert, to not drive while fatigued, and to not drive under the influence of illegal controlled substances.

49. On December 24, 2022, Defendant Dayren Rocubert failed in the above-mentioned duties and is therefore negligent.

50. Defendant Dayren Rocubert's negligence was the direct and proximate cause of the injuries and death of Jeremy David Ralph Boehne, Karen M. Boehne, and Baby Boy Boehne.

51. Plaintiffs further allege that Defendants C.H. Robinson, Walmart, Unique Freight, Papi Briche, and BLF are independently and/or vicariously liable for the injuries and death of Jeremy David Ralph Boehne, Karen M. Boehne, and Baby Boy Boehne.

52. Pursuant to the terms of the American Economy Policy's UM/UIM coverage and the claim presented to it, American Economy paid its policy limits of \$100,000 each person to the Estates of Jeremy David Ralph Boehne, Karen M. Boehne, and Baby Boy Boehne for a total of \$300,000.

53. Mary Joan Boehne and David L. Hahn filed a lawsuit against persons and entities alleged to be liable for the deaths of Jeremy David Ralph Boehne, Karen M. Boehne, Baby Boy Boehne and others.

54. As a subrogated insurer, American Economy is entitled to recover from others that are responsible to recover the UM/UIM benefits American Economy paid to the Estates of Jeremy David Ralph Boehne, Karen M. Boehne, and Baby Boy Boehne.

WHEREFORE, to the extent that MARY JOAN BOEHNE and/or DAVID L. HAHN prevail against the Defendants in this action Petitioner AMERICAN ECONOMY INSURANCE

COMPANY requests that this Court require C.H. ROBINSON WORLDWIDE, INC.; UNIQUE FREIGHT CARRIERS, INC.; PAPI BRICHE, LLC; BLF TRUCK TRANSPORTATION, LLC; and DAYREN ROCUBERT to reimburse AMERICAN ECONOMY INSURANCE COMPANY in an amount equivalent to the \$300,000 in UM/UIM benefits paid to the Estates of Jeremy David Ralph Boehne, Karen M. Boehne, and Baby Boy Boehne; and to afford any other relief the Court deems just and proper.

Dated: May 12, 2025

Respectfully Submitted,

/s/ Crystal L. Maluchnik

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